



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003217  
**Applicant Name :** Sunny Kim for Cingular Wireless  
**Address of Proposal:** 605 1<sup>st</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for installation of a minor communication utility (Cingular Wireless), consisting of nine panel antennas (three sectors, three antennas per sector) all on the roof top of an existing administrative office and retail building). The project also includes locating accessory equipment cabinets on a 220 square foot equipment platform enclosed within a screening wall on the roof top.

The following approval is required:

**Administrative Conditional Use** - To allow a minor communication utility extend beyond four feet of the roof top in a special review, historic and landmark district.

**SEPA DETERMINATION:** ☒ EXEMPT ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location and Description**

The subject property is located on the north third of a block that is bounded by First Avenue South to the east, Yesler Way to the south and Post Avenue to the west in the Pioneer Square neighborhood. The site is nearly square in shape and encompasses a land area of approximately 8,100 square feet in the Pioneer Square Mixed (PSM) zone with a height limit of 100 feet. Additionally, the subject site is

located within the Pioneer Square Urban Center Village Area Overlay District. The development site is nearly a flat lot with an existing building that occupies the entire development site.

The site is currently developed with a seven story retail and (administrative) office building (the Mutual Life Building). The building's design is influenced Romanesque architecture, with its brick, masonry and terra cotta façade painted a beige color with terra cotta colored accent bands. The fenestration consists of uniform vertical columns, with the main body featuring semi-circular accented framed windows. The main entrance is located along the First Avenue frontage towards the middle of the building. The roof top features an assortment of mechanical devices some enclosed within screening walls, an equipment penthouse, and stair and elevator penthouses. The screening walls are painted (neutral beige) to match the building's façade.

The surrounding area is marked by structures typical of the Pioneer Square Historic District with extensive use of brick, fenestration, storefront windows at the ground floor, strong cornice lines and other similar features. The PSM 100 zone extends in all directions from the subject site.

#### Proposal Description

This Master Use Permit (MUP) application proposes to establish use for the installation of a minor communication utility (Cingular Wireless) on the rooftop of an existing 7 story administrative office building. The proposed facility will consist of nine (9) panel antennas, with three sectors each accommodating three antennas. These three sectors will be freestanding and unscreened. The applicant has also proposed to install six accessory equipment cabinets on the roof top enclosed within screening partitions designed and painted to simulate the existing rooftop penthouse. The antennas are proposed to remain unscreened and painted a neutral beige color. The associated equipment will be mounted on a metal skid and screened behind RF-transparent, fire rated panel screens.

#### Public Comment

Date of Notice of Application : October 27, 2005

Date End of Comment Period: November 9, 2005

Number of Comment Letters: 2

Issues: The comment letters requested to be noted as a party of record.

#### **ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE**

Section 23.57.014.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Special Review, Historic and Landmark District as an Administrative Conditional Use permit when the establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, meets the development standards of subsection C and the requirements of this section enumerated below:

1. *The location the roof tops is preferred, set back toward the center of the roof as far as possible. If a roof top location is not feasible, communication utilities and accessory communication devices may be mounted on secondary building facades. Siting on primary building facades may be permitted only if the applicant shows it is impossible to site the devices on the roof or secondary façade. Determination of primary and secondary building facades will be made by the appropriate board or commission.*

The applicant's has proposed to exceed the four (4) foot height allowance for minor communication utilities on the roof top of a structure located within a Special Review, Historic and Landmark District per the aforementioned code citation. The existing (administrative) office and retail building currently extends to a height limit of 83 feet. The existing rooftop penthouse extends to a maximum height of 12 feet above the roof top. The parapet walls extend up to four (4) feet above roof height, while other roof top features including, stair penthouses are allowed to extend up to 15 feet above the maximum height. All roof top features combined are less than the coverage limit of twenty-five (25) percent.

The proposed Cingular Wireless communication utility is planned to be located entirely on the roof top of the existing structure. The equipment cabinets will be mounted on a platform and will be installed north of the existing penthouse approximately 4'6" from the east façade and 12 feet from the north facade. Antenna sector C, containing three antennas, will be mounted to the north side of the walls screening the equipment cabinets. The second set of antennas, sector B, will be located approximately 30 feet from the building's south and east façades and property lines. The third set of antennas, Sector A, will be located approximately 30 feet from the east facade and five feet from the north façade and property lines. The justification for the siting of the roof top panel antennas is to allow for effective signal transmission and not exceed the 15 foot height limit for roof top features. The application chose to install four (4) antennas in practical locations to obtain effective signal coverage with existing roof top features near the center of the building where practical. The height of the proposed antennas will not exceed 12 feet from the roof. Additional height would be required if the antenna sector were to be moved further away from building's edge. The sector B antennas at a distance of 30 feet from the south and east property lines is required to meet transmit and receive signals for ground level receivers.

The accessory equipment cabinet and associated devices will be screened behind materials approved by the Pioneer Square Preservation Board painted to match surrounding roof top colors. The roof top coverage area is less than twenty-five (25) percent with the addition of the communication utility and is setback as much as feasible for providing effective reception coverage. Therefore, this proposal does satisfy this criterion by location the communication utility as much as possible towards the center of the roof.

2. *Communication utilities and accessory communication devices shall be installed in a manner that does not hide, damage or obscure architectural elements of the building or structure.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on the surrounding Pioneer Square neighborhood to the greatest extent possible in a manner that does not negatively impact architectural elements, but simulates existing roof top features.

The proposal is designed to resemble the existing treatments including colors on the roof in order to effectively screen and camouflage the antenna and equipment cabinet locations.

On October 5, 2005, pursuant to the authority granted under SMC 23.66, The Pioneer Square Preservation Board conditionally approved the requested installation of a minor communication utility at 605 First Avenue (PSB 191/05). The Board found the proposed screening elements to be more obtrusive than the panel antennas themselves, so the panels will be shall remain unscreened. The panels shall be painted a beige color to match the existing roof mounted equipment and penthouses. No false architectural features are proposed for this project. The condition identified in the Certificate of Approval (see below) will be placed at the end of this decision:

- I. The applicants shall make every effort to secure the equipment at the parapet without using through-bolts.

The proposed minor communication utility received approval from Pioneer Square Preservation Board confirming that the proposed installation would not adversely affect the character of the defining of the Pioneer Square Historic District. DPD concurs with the above findings. Therefore, this provision is met.

*3. Visibility shall be further minimized by painting, screening, or other appropriate means, whichever is less obtrusive. Creation of false architectural features to obscure the device is discouraged.*

As proposed, the minor communications utility will not constitute a visually adverse intrusion that will be substantially detrimental to the architectural character of the existing building. Where feasible the applicant has proposed to mount the communication equipment to existing structures with extended façade treatments to match existing roof top features. The equipment cabinets encased within a faux penthouse structure is designed to resemble other structures on the roof top. The submitted documents and plans note that the addition of the accessory equipment devices are encased within camouflage screening covers resembling façade materials to match other roof top features. From most angles the communication devices will not be visible from the street due in part to the building's height. A line of site study from the sidewalk of the abutting Yesler Way and First Avenue rights-of-way clearly demonstrated minimal visual impacts.

The proposal is designed to camouflage the equipment cabinets on the roof top with minimal impact on surrounding properties. As noted earlier, the Pioneer Square Preservation Board found the proposed screening elements to be more obtrusive than the panel antennas themselves, and recommended that the panels remain unscreened, but painted a beige color to match the existing roof mounted equipment and penthouse. No false architectural features are proposed for this project, and the proposed color palette will be consistent with existing roof top colors. Therefore, this proposal does comply with the criterion.

## **SUMMARY**

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Furthermore, the proposal is exempt from review under Seattle's Environmental Policy Act (SEPA).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radio frequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

This application to install a minor communication utility in a Special Review, Historic and Landmark Districts, which extends beyond four feet of the roof top height, is **Conditionally Approved**.

## **CONDITIONS - ADMINISTRATIVE CONDITIONAL USE**

### **Prior to Issuance of Master Use Permit**

The owner(s) and/or responsible party(s) shall

1. The applicants shall make every effort to secure the equipment at the parapet without using through-bolts per the Certificate of Approval (PSB 191/05).

2. Add the conditions of the Certificate of Approval (PSB 191/05) to the plans.

Signature: (signature on file) Date: February 27, 2006

Lisa Rutzick, Land Use Planner  
Department of Planning and Development  
Land Use Services

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